



© DEC 02-2003 TUE 01:36 PM

FAX NO.

P. 02

ATTORNEY DOCKET NUMBER: 0492611-0326 (MIT 8151)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer *et al.*

Examiner: Nguyen, D.

Serial No.: 09/553,552

Art Unit: 1633

Filed: April 20, 2000

Title: ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Robert S. Langer, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application Serial No. 09/553,552, filed April 20, 2000, and entitled "ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Pack *et al.*, entitled "Cell Delivery Compositions", U.S.S.N. 09/251,783, Publication Number US 2001/0006817, published July 5, 2001 (the '783 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the materials in the '783 patent application were not invented by another.
3. David A. Putnam and I are the inventors on the instant application and are also two of the inventors on the '783 patent application.

RECEIVED
TECH CENTER 1600/2000
DEC 08 2003